IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 27TH JUNE, 2007 / 6TH ASHADHA, 1929

WP(C).No. 19741 of 2007(A)

PETITIONER:

SRI.M.K.SIVANKUTTY,
MANAGER, NEW AROMA MOVI HOUSE,
V.K.ROAD, PALAKKAD.

BY ADV. SRI.T.M.SREEDHARAN
SRI.V.P.NARAYANAN

RESPONDENTS:

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1. THE ASSISTANT PROVIDENT FUND COMMISSIONER,
EMPLOYEES' PROVIDENT FUND ORGANISATION,
SUB REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN,
P.B.NO.1806, ERANHIPALAM.P.O., KOZHIKODE – 673 006.

2. THE RECOVERY OFFICER,
EMPLOYEES' PROVIDENT FUNDS BHAVISHYANIDHI BHAVAN,
P.B.NO.1806, ERANHIPALAM.P.O., KOZHIKODE – 673 006.

BY STANDING COUNSEL SRI.THOMAS MATHEW NELLIMOOTTIL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

W.P(C) NO. 19741 OF 2007 - A

Dated this the 27th day of June, 2007

J U D G M E N T

The petitioner challenges the orders passed by the first respondent under Section 7A of the Employees Provident Fund and Miscellaneous Provisions Act (for short 'the Act'). The petitioner also challenges the order passed under Section 7B of the Act rejecting his review application. Since the petitioner has a right to file an appeal against the order passed under Section 7A of the Act even after dismissal of the review application, I am not inclined to entertain this writ petition. However, the learned counsel for the petitioner submits that the petitioner has 60 days' time to file an appeal and even before the expiry of the same, the first respondent has initiated recovery proceedings which is unjustifiable.

2. I have heard the learned Standing Counsel for the Provident Fund Organisation also.

3. Taking into account the facts and circumstances of the case, the petitioner may file an appeal against the impugned orders within two months from today. In the mean time, further

recovery proceedings would stand stayed on condition that the petitioner pays an amount of Rs.40,000/- (Rupees forty thousand only) within one month from today. If the petitioner pays the said amount and files an appeal, the Appellate Tribunal shall treat such payment as sufficient for waiver of pre-deposit of the amount demanded and consider the appeal on merits.

The writ petition is disposed of with the above direction.

S.SIRI JAGAN,
Judge

Mbs/